

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**THE PLAINTIFFS' STEERING COMMITTEE'S PROPOSED AGENDA
FOR THE MARCH 30, 2017 STATUS CONFERENCE**

The Plaintiffs' Steering Committee ("PSC") proposes the following agenda for the March 30, 2017, status conference (2:00 p.m.). The remaining defendants and the plaintiffs' groups identified below have been given an opportunity to comment on this proposed agenda.

A. REPORT TO THE COURT

1. Status of payments from Tort Trust
Michael Fencer on behalf of the Tort Trustee, Lynne Riley
 - a. Status report (forthcoming)
2. Motions for Final Approval of Distributions of Virginia Wrongful Death Claims (Unopposed); *Patrick Fennell (Gaskins); Greg Lyons/John Lichtenstein (Neal); Stephen Busch (Insight Health Corp.)*
 - a. Gaskins Petition for Final Approval of Distribution of Settlement Funds [Dkts. 3341]; *Patrick Fennell*
 - i. Motion to Participate by Telephone [Dkt. 3344]
 - ii. Insight Health Corp.'s Response [Dkt. 3345]
 - b. Neal Petition for Final Approval of Distribution of Settlement Funds [Dkt. 3337]; *Greg Lyons/John Lichtenstein*
 - i. Motion to Participate by Telephone [Dkt. 3342]
 - ii. Insight Health Corp.'s Response [Dkt. 3343]

3. Status of Specialty Surgery cases

13 cases; Benjamin A. Gastel; Chris Tardio

a. Update on mediation

b. Matters Fully Briefed and Awaiting Court Decision

1. PSC Motion for Sanctions [Dkt. 3232] (fully briefed)

i. Specialty Surgery Opposition [Dkt. 3254]

ii. PSC Reply [Dkt. 3282]

2. PSC Motion for Judgment on the Pleadings Regarding Comparative Fault Defenses Attributing Fault to Governmental Entities [Dkts. 3249, 3250] (fully briefed)

i. Specialty Surgery Opposition [Dkt. 3278]

ii. Calisher & Associates Joinder [Dkt. 3279]

iii. PSC Reply [Dkt. 3288]

3. Specialty Surgery Motion for Costs [Dkts. 3247, 3248]

i. PSC Response [Dkt. 3286]

ii. Specialty Surgery Bill of Costs [Dkts. 3323-24]

iii. PSC Response [Dkt. 3329]

4. PSC Motion for Consolidation of Two Bellwether Trials [Dkts. 3331, 3332]

i. Specialty Surgery Opposition [Dkt. 3340]

c. Joint Motion to Modify Specialty Surgery Schedule [Dkt. 3241]

i. Magistrate Judge Boal indicated at the previous hearing that she intends to rule on this motion after ruling on PSC's Motion for Sanctions.

d. Appeals

1. *Norris v. Specialty Surgery* (17-1003)

2. *Palmer v. Specialty Surgery* (17-1005)

4. Status of Box Hill cases

8 cases: Patti Kasputys & Michael Coren (Plaintiffs); Greg Kirby (Defendants)

5. Status of directly-filed cases:¹

a. Janet Jenner and Suggs cases

Justin Browne (Plaintiffs); Tony Abeln (APAC); Clare Carroll (MAPS)

i. Plaintiffs' counsel filed motions to withdraw in the cases against APAC (*Kennedy* and *Musselwhite*) and Premier (*Overstreet*) [Dkts. 1:13-cv-13227; 1:14-cv-13689; 1:13-cv-13228; 1:14-cv-13676; and 1:14-cv-13760].

A. Plaintiffs Kennedy and Musselwhite have located new counsel who is in the process of filing notices of appearance. Once new counsel has filed his notices of appearance, Janet, Jenner & Suggs request that their Motion to Withdraw be granted at 14-cv-13689, Dkt. 23 (Kennedy), 14-cv-13676, Dkt. 25 (Musselwhite).

B. Plaintiff Overstreet is in the process of locating new counsel. Plaintiffs' counsel's motion to withdraw is at 14-cv-13760, Dkt. 25. Plaintiffs' counsel request remand be deferred until Plaintiff is able to locate new local NJ counsel.

6. Status of St. Thomas settlement

Benjamin A. Gastel; Chris Tardio & Yvonne Puig

B. FUTURE STATUS CONFERENCES

1. April 20, 2017, 2:00 p.m.

¹ All directly filed cases are listed in Notice by the PSC of Cases Filed Directly in the District of Massachusetts [Dkt. 3065].

Dated: March 29, 2017

Respectfully submitted,

/s/ Kristen A. Johnson

Thomas M. Sobol, BBO # 471770

Kristen A. Johnson, BBO # 667261

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Plaintiffs' Steering Committee*

CERTIFICATE OF SERVICE

I, Kristen A. Johnson, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: March 29, 2017

/s/ Kristen A. Johnson

Kristen A. Johnson (BBO# 667261)